

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Melissa A. Knight,

Plaintiff,


v.

Michael J. Astrue,  
Commissioner of Social Security,

Defendant.

Civil Action No. 4:11-2252-SB

**ORDER**



This matter is before the Court on Plaintiff Melissa A. Knight's action for judicial review of a final decision of the Commissioner of Social Security, pursuant to Section 205(g) of the Social Security Act, as amended (42 U.S.C. § 405(g)), which denied the Plaintiff's claim for disability insurance benefits and supplemental security income. The record includes the report and recommendation ("R&R") of a United States Magistrate Judge, which was made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a). In the R&R, filed on November 29, 2012, the Magistrate Judge recommends that the Court reverse the Commissioner's decision pursuant to sentence four of 42 U.S.C. § 405(g) and remand the case to the Commissioner for further action. In a notice filed on December 17, 2012, the Commissioner informed the Court that he would not be filing objections to the R&R.

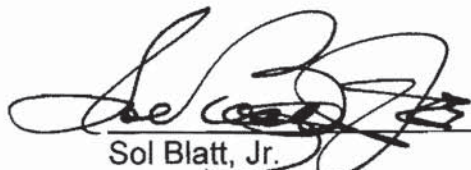
The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which

specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.' ") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court hereby adopts the R&R (Entry 34) as the Order of the Court, and it is

**ORDERED** that the decision of the Commissioner of Social Security is reversed pursuant to sentence four of 42 U.S.C. § 405(g), and the case is remanded to the Commissioner for further action as set forth in the R&R.

**IT IS SO ORDERED.**

  
Sol Blatt, Jr.  
Senior United States District Judge

December 18, 2012  
Charleston, South Carolina